

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM JAMES GRADFORD, JR.,

Plaintiff,

v.

WARDEN,

Defendant.

Case No. 2:24-cv-1841-JDP (P)

ORDER; FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state inmate proceeding pro se in this closed 42 U.S.C. § 1983 civil rights action. ECF No. 1. I screened his initial complaint and dismissed it with leave to amend after determining that the complaint failed to state a claim. ECF No. 18. Plaintiff then filed an amended complaint. ECF No. 19. I screened the amended complaint, again dismissing it for failure to state a cognizable claim. ECF No. 24. I ordered plaintiff to file either an amended complaint or a notice of voluntary dismissal of the action without prejudice. *Id.* at 3. In response, plaintiff filed a notice of voluntary dismissal, ECF No. 26, and the case was closed.

Less than two weeks later, plaintiff moves to reopen the case. ECF No. 28. In his motion, he acknowledges that he voluntarily dismissed the case but explains that has changed his mind

1 and now wants to file a second amended complaint. *Id.* Having considered the record and
2 applicable law, I recommend that plaintiff's motion to reopen be denied.

3 Under Rule 60(b), the court may grant reconsideration of a final judgment and any order
4 based on: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence
5 which, with reasonable diligence, could not have been discovered within ten days of entry of
6 judgment; and (3) fraud, misrepresentation, or misconduct of an opposing party. *See* Fed. R. Civ.
7 P. 60(b)(1)-(3). A motion for reconsideration on any of these grounds must be brought within
8 one year of entry of judgment or the order being challenged. *See* Fed. R. Civ. P. 60(c)(1). Under
9 Rule 60(b), the court may also grant reconsideration if: (1) the judgment is void; (2) the judgment
10 has been satisfied, released, or discharged, an earlier judgment has been reversed or vacated, or
11 applying the judgment prospectively is no longer equitable; and (3) any other reason that justifies
12 relief. *See* Fed. R. Civ. P. 60(b)(4)-(6). A motion for reconsideration on any of these grounds
13 must be brought "within a reasonable time." Fed. R. Civ. P. 60(c)(1).

14 Plaintiff has identified no authority providing a basis for reopening this case, and I know
15 of none. His motion fails to present newly discovered evidence that would change the outcome of
16 the court's ruling, fails to show that the court committed clear error, and fails to establish fraud,
17 misrepresentation, or misconduct of either the opposing party or this court. The interests of
18 finality and the conservation of judicial resources also do not warrant the use of the extraordinary
19 remedy plaintiff seeks. *See United States v. Alpine Land & Reservoir Co.*, 984 F.2d 1047, 1049
20 (9th Cir. 1993). Accordingly, plaintiff has failed to establish any basis for relief under Rule 60(b)
21 from the court's dismissal order and judgment, and I recommend that his motion be denied.

22 Accordingly, it is ORDERED that the Clerk of Court is directed to assign a district judge
23 to this action.

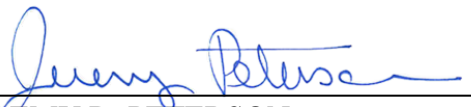
24 It is also RECOMMENDED that plaintiff's motion to reopen, ECF No. 28, be DENIED.

25 These findings and recommendations are submitted to the United States District Judge
26 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of
27 service of these findings and recommendations, any party may file written objections with the
28 court and serve a copy on all parties. Any such document should be captioned "Objections to

1 Magistrate Judge's Findings and Recommendations," and any response shall be served and filed
2 within fourteen days of service of the objections. The parties are advised that failure to file
3 objections within the specified time may waive the right to appeal the District Court's order. See
4 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
5 1991).

6
7 IT IS SO ORDERED.

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9 Dated: May 30, 2025


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE